REMARKS

Reconsideration and allowance of the above-identified patent application are respectfully requested. Claims 1-29 remain pending. Applicants respectfully note that even though this response is being filed after a final Office Action, the response should be entered since no new issues have been raised by claim amendments that would require a new search of art.

Initially, Applicants note with appreciation the Examiner's withdraw of the previous grounds of rejection.

The Office Action rejected all of the independent claims (1, 12, 16, and 25) under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,937,331 to Kalluri et al. (*"Kalluri"*) in view of U.S. Patent No. 5,802,592 Chess et al. (*"Chess"*). The remaining dependent claims were rejected either as allegedly being unpatentable over *Kalluri* in view of *Chess* and/or further in view of U.S. Patent No 5,903,732 to Reed et al. (*"Reed"*). [1] These grounds of rejection are respectfully traversed.

Applicants' invention, as claimed for example in the various independent claims, relates to restoring corrupted program instructions at a client system by checking the validity of the program instructions to determine whether the program instructions include a corrupted block or portion so as to render the corrupted block or portion unreadable as intended. If it is determined that there is a corrupted block or portion of the program instructions, the client system connects to or requests replacement program instructions from a server system, receives the replacement program instructions from the server system, and replaces the corrupted program instructions with the replacement program instructions received form the server system.

Applicants respectfully submit that the combination of *Kalluri*, *Chess*, and/or *Reed* does not render independent claims 1, 12, 16, and 25 unpatentable for at least the reason that the combination does not disclose or suggest all of the elements of these independent claims. For example, the combination of *Kalluri*, *Chess*, and/or *Reed* does not disclose or suggest that *if* it is determined that there is a corrupted block or portion of the program instructions then: the client system connects to or requests replacement program instructions from the server system;

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

receives replacement program instructions from the server system; and replaces the corrupted program instructions with the replacement program instructions received from the server system.

Kalluri discloses a protocol and system for transmitting triggers from a remote network and for controlling interactive program content at a broadcast station. The remote network inserts trigger commands (e.g., continue, pause, stop, play, time, etc.) within the vertical blanking intervals (VBIs) of a television signal to control the loading and playing of an interactive program at a broadcast station. (*See e.g.,* Col. 5, ll. 18-30 and Abstract). The protocol associated with the trigger commands allows redundant or repeated commands for ensuring that the interactive program is controlled correctly, even in the event that an original command was not received or was corrupted in the transmission. (*See e.g.,* Col. 3, ll. 28-35, Col. 5, ll. 31-33, and Abstract). If a redundant trigger command is received by the broadcast station and the original command was not properly received, the interactive program source enters an error recovery state to determine the appropriate action for the interactive program source. (*See e.g.,* Col. 3, ll. 35-41, Col. 5, ll. 33-42, and Abstract).

Although *Kalluri* provides a redundancy mechanism for recovery from non-received or corrupted trigger commands, *Kalluri* does not disclose or suggest that *if* it is determined that there is a corrupted trigger command *then* taking some action to correct the corrupted trigger command. Instead, *Kalluri* simply discloses that the broadcast station periodically receives redundant or repeated trigger commands regardless of any determination that the original trigger commands where corrupt. In fact, *Kalluri* discloses that a primary way for determining that a trigger command is corrupt is that the redundant trigger command is received before the original one. In particular, if a repeated trigger command is received while the interactive program is in a state other than the state indicated by the redundant command, then the system of *Kalluri* enters the error recovery state to determine the appropriate action to take. (*See e.g.,* Col. 6, ll. 39-49, Col. 9, ll. 11-38). In other words, *Kalluri* at best discloses *first* receiving the replacement trigger commands and *then* determining that there is a corrupted trigger command. *Kalluri*, however, does not disclose or suggest *first* determining *if* there is a corrupted block or portion of program instructions; *then* connecting to or requesting replacement program instructions from a server system, receiving replacement program instructions from the server system, and replacing the corrupted program instructions with the replacement program instructions received from the server system, as recited, *inter alia*, in Applicants' independent claims.

Recognizing some of the deficiencies of *Kalluri*, the Office Action cites *Chess*. *Chess* discloses a system and method for protecting the integrity of alterable ROM using digital signatures. The Office Action relies on *Chess* as allegedly disclosing replacing an actual program if it is corrupted to correct instructions.[2] *Chess*, however, does not rectify the above-identified deficiencies of *Kalluri* with regard to independent claims 1, 12, 16, and 25; and therefore the combination of *Kalluri* and *Chess* does not disclose or suggest all of the features of these claims.

Recognizing some of the deficiencies of *Kalluri* and *Chess*, the Office Action cites *Reed*. *Reed* discloses a trusted gateway agent for web server programs. As previously mentioned, the Office Action relies on *Reed* as allegedly disclosing features within various dependent claims. *Reed*, however, does not rectify the above-identified deficiencies of *Kalluri* and *Chess* with regard to independent claims 1, 12, 16, and 25; and therefore the combination of *Kalluri*, *Chess*, and *Reed* does not disclose or suggest all of the features of these claims.

Based on at least the foregoing reasons, therefore, Applicants respectfully submit that the cited prior art fails to make obvious Applicants' invention, as claimed for example, in independent claims 1, 12, 16, and 25. Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertion with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so.

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[2] Applicants respectfully note that although not formally presented as an argument herein, *Chess* does not disclose how it corrects alterable ROM in the event that it becomes corrupted. Instead, *Chess* is directed more towards identifying corrupted alterable ROM through the use of signatures, but does not give an enabling disclosure for correcting corrupted alterable ROM. In addition, Applicants respectfully submit that the Office Action's motivation for combining *Kalluri* and *Chess* is insufficient. Accordingly, Applicants reserve the right to these and other similar arguments in the future, and any arguments made herein should not be construed as relinquishing any other arguments regarding the deficiencies within the cited art.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and notice to this effect is earnestly solicited. Should any question arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at +1.801.533.9800.

Dated this 5th day of April, 2005.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
WESLEY C. ROSANDER
Registration No. 51,030
Attorneys for Applicant
Customer No. 022913

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